

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JOSIF LANTOS,)	Case No. 4:07-CV-03045-WKU-DLP
)	
Plaintiff,)	
)	
v.)	MOTION FOR
)	SUMMARY JUDGMENT
HAWKINS CONSTRUCTION)	
COMPANY,)	
)	
Defendant.)	

Defendant Hawkins Construction Company (“Hawkins”), by and through counsel and pursuant to FED. R. CIV. P. 56 and Local Rule 56.1, respectfully requests that the Court enter summary judgment in its favor and against Plaintiff because there exists no genuine issue of material fact and Hawkins is entitled to judgment as a matter of law because Plaintiff Josif Lantos is unable to prove that he was terminated in violation of either Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), *et seq.* or the Americans with Disabilities Act, 42 U.S.C. § 12111 *et seq.* Summary judgment is also proper on Plaintiff’s claim that Hawkins required Lantos to engage in an improper post-offer, pre-employment physical examination.

In support of its Motion for Summary Judgment, Hawkins respectfully requests that the Court take judicial notice of the Court file including, but not limited to, Plaintiff’s Complaint and Demand for Jury Trial (attached to Defendant’s Notice of Removal) (Doc. # 1) and Hawkins’s Answer (Doc. # 3). In further support, Hawkins provides the Court with its Evidence Index and its Brief in Support which are filed contemporaneously herewith and incorporated herein by reference.

WHEREFORE, Hawkins Construction Company prays that the Court enter summary judgment against Plaintiff and in favor of Hawkins. Hawkins further requests that the Court grant it such other and further relief as it deems just and equitable.

DATED this 31st day of August, 2007.

HAWKINS CONSTRUCTION COMPANY,
Defendant

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One of Said Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of August, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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s/ Adam J. Prochaska
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